



HOUSING CODE ENFORCEMENT'S MOST COMPLEX CASES – NOVEMBER 2002

1. **Location:** 10705 Autumn Leaf Way, Germantown

Problem: Longstanding housing code violations at defendant's residence involving both outside maintenance and the condition of the interior of the home. Significant threats to health and safety are posed by the interior conditions.

Citation history: Defendant received a notice of violation on June 4, 2002, and DHCA subsequently condemned the home primarily based on the apparent condition of the interior, which could be seen through the windows of the home. In addition, odors emanating from the interior of the home suggested health concerns. Defendant made some efforts to comply with the County's demands and permitted an inspection of the interior on August 16, 2002, at which time, significant health concerns were noted and photographs were taken. On August 20, 2002, the County filed a Petition for Enforcement and obtained the Court's permission to enter the property and clear it to make it safe. The County is proceeding with arrangements with the clean up, but in the meantime, the Defendant has obtained assistance to try and clear the property on his own. A citation has been issued regarding the exterior condition of the property and a citation will be issued regarding the interior. Abatement orders will be sought in all citations to try to prevent a recurrence of the health and safety problems.

Agency contact: John Whitt, Field Supervisor, DHCA, 240/777-3744.



2. **Location:** 18000 Muncaster Road, Gaithersburg, Maryland.

Problem: Housing code/solid waste violations at defendant's home, as well as potential zoning violations for conducting regular sales of merchandise from the home.

Citation history: Citations issued in April 2002 for solid waste violations resulting from Defendant filling the front yard of his home with merchandise for sale. At trial in July court found Defendant guilty but declined to sign an abatement order preventing future violations because the court found a lack of significant history and the Defendant promised to take care of the problem. In fact, the Defendant took no further action to clear the front yard, and was given notice in early August to remove the material or the County would take steps to do so. The County has removed the materials and cleared the yard and the defendant has been issued several citations for the ongoing violations. Abatement orders will be sought to try to prevent future violations. In the meantime, the Department of Permitting Services is also investigating the potential zoning violations.

Agency contact: Wright Jolly, DHCA, 240/777-3779; James Martin, DPS, 301/370-0042.

3. **Location:** 3301 Hewitt Avenue and 8830 Piney Branch Road in Silver Spring

Problem: Housing Code violations on residential rental property and violations of Landlord-Tenant Commission Order.

Citation history: Many citations issued, starting in September 2001 for violations of the housing code, Chapter 26 of the Montgomery County Code. In the meantime, defendant's rental licenses were voided, an action upheld by the Landlord-Tenant Commission in the fall, and the property was condemned in order to ensure tenants were not living on the premises. At a host of citation trials held in March regarding the conditions of the premises, several abatement orders were issued by the court. Since that time, two petitions for contempt have been filed. In one case, the defendant complied with the order; the second is outstanding and awaiting a court hearing.

At about the same time, defendant attempted to rent the property on Piney Branch Road in spite of having no rental license, and in the face of a Landlord-Tenant Commission Order rescinding his rental license. Multiple citations were issued monthly, and the defendant has been repeatedly found guilty of several violations, including renting without a license and violating an order of the Landlord-Tenant Commission. The most recent trial was October 22, 2002, in which the defendant was found guilty of renting without a license and in which the court ordered the defendant to take steps to legally terminate any leases.

In the meantime, the Landlord/Tenant Commission has held a hearing on a tenant's request for reimbursement of more than \$2,000 in funds withheld by the defendant.

Agency contact: Rob Dejter, Field Supervisor, DHCA, 240/777-3703; Wright Jolly, Housing Code Inspector, DHCA, 240/777-3779, Cecelia Kinna, DHCA, 240/777-3739.



4. **Location:** 12700 Circle Drive, Rockville, Maryland 20850

Problem: Failure to maintain property and allowing trash and rubbish scattered over the property.

Citation history: Citations issued in February 2001 for failure to clear the property of solid waste. At hearing in May 2001, the court issued an order requiring cleanup of the property and prohibiting future violations. Defendant failed to fully comply and in February 2002, County filed a petition for contempt. In the meantime several citations were issued for failure to maintain the property. The petition for contempt was dismissed in May after defendant made some efforts to comply, but the court in October upheld the citations and issued abatement orders preventing future violations. In addition, because the defendant remained in violation of the May 2001 court orders, the County in November filed a new petition for contempt. Hearing is to be scheduled by the District Court.

Agency contact: Wright Jolly, DHCA, Housing Code Enforcement, 240/777-3779

5. **Location:** 8240 Hawkins Creamery Road, Gaithersburg, Maryland

Problem: Solid waste items, including paint cans, flower pots and the like scattered all over the property.

Citation history: Citation issued in February 2000 for failure to clear the property of solid waste. At hearing in June 2000 court issued an order requiring cleanup of the property and prohibiting future violations. After County was able to locate defendant to properly serve her with the court's order, she still failed to comply and in August the County filed a Motion for Contempt. At a hearing on April 23, 2002, Defendant agreed to clear the property of solid waste within 30 days or begin serving a 90 day sentence in the Montgomery County Detention Center.

Having failed to meet the Court's deadline for clearing the property by the stated deadline, the Defendant was arrested and taken to the Detention Center to begin serving her sentence. On November 9, 2002, the County cleaned the property again.

Agency contact: Linda Bird, Manager, DHCA, Housing Code Enforcement, 240/777-3671; Travis Aldous, Housing Code Inspector, 240/777-3736